



# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

5

|                        |                    |
|------------------------|--------------------|
| Application Number     | 10/625,503         |
| Filing Date            | July 22, 2003      |
| First Named Inventor   | Randall J. Huebner |
| Art Unit               | 3775               |
| Examiner Name          | Michael J. Araj    |
| Attorney Docket Number | ACM 349            |

## ENCLOSURES (Check all that apply)

|                                                                           |                                                                           |                                                                                         |
|---------------------------------------------------------------------------|---------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Fee Transmittal Form                  | <input type="checkbox"/> Drawing(s)                                       | <input checked="" type="checkbox"/> After Allowance Communication to TC                 |
| <input checked="" type="checkbox"/> Fee Attached                          | <input type="checkbox"/> Licensing-related Papers                         | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input type="checkbox"/> Amendment/Reply                                  | <input type="checkbox"/> Petition                                         | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final                                      | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information                                        |
| <input type="checkbox"/> Affidavits/declaration(s)                        | <input type="checkbox"/> Power of Attorney, Revocation                    | <input type="checkbox"/> Status Letter                                                  |
| <input type="checkbox"/> Extension of Time Request                        | <input type="checkbox"/> Change of Correspondence Address                 | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):         |
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| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application    | <input type="checkbox"/> Landscape Table on CD                            |                                                                                         |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 |                                                                           |                                                                                         |
| <input type="text"/> Remarks                                              |                                                                           |                                                                                         |

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|              |                                                                                 |          |        |
|--------------|---------------------------------------------------------------------------------|----------|--------|
| Firm Name    | Kolisch Hartwell, PC, 520 SW Yamhill Street, Suite 200, Portland, OR 97204-1324 |          |        |
| Signature    |                                                                                 |          |        |
| Printed name | JAMES R. ABNEY                                                                  |          |        |
| Date         | April 17, 2009                                                                  | Reg. No. | 42,253 |

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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| Signature             |                    |      |                |
| Typed or printed name | Margaret R. Burton | Date | April 17, 2009 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

RANDALL J. HUEBNER, DAVID G. JENSEN,  
and HERBERT RESPESS

Date: November 20, 2008

Serial No. : 10/625,503

Docket No. ACM 349

Filed : July 22, 2003

Group Art Unit 3733

For : BONE FUSION SYSTEM

Examiner Michael J. Araj

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**COMMENTS ON "TOTAL FEE(S) DUE"**  
**ACCOMPANYING PAYMENT OF ISSUE FEE**

Applicants received a "Notice of Allowance and Fee(s) Due" dated March 24, 2009, on the above-identified patent application.

The "Part B - Fee(s) Transmittal" that accompanied the Notice of Allowance indicates the "Total Fee(s) Due" for this application as \$1,510. In fact, as shown below, the Total Fee(s) Due should be only \$110. The original Notice of Allowance and Fee(s) Due states that the "Issue Fee Due" is \$1510 and that the "Prev. Paid Issue Fee" is \$1,400. Thus, taking the difference between these two amounts, the Total Fee(s) Due should be \$110:

|           |                             |
|-----------|-----------------------------|
| \$1,510   | Issue Fee Due               |
| - \$1,400 | <u>Prev. Paid Issue Fee</u> |
| \$ 110    | Total Fee(s) Due            |

Applicants previously had paid the \$1,400 Issue Fee on February 9, 2007 (along with the \$300 Publication Fee), prior to withdrawing the application from issue to allow the Examiner to consider references that were cited in a counterpart foreign application (now allowed). In view of these calculations, applicants have enclosed a corrected Fee(s) Transmittal and a check for \$110 for payment in full of the correct Total Fee(s) Due. Please credit any overpayments, or withdraw any additional amounts due, from Deposit Account 11-1540.

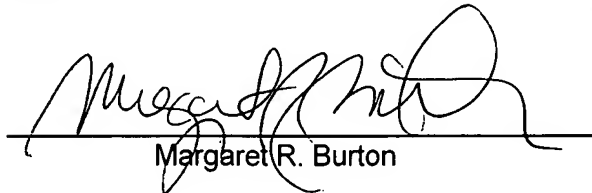
Please contact the undersigned attorney of record if you have any questions.

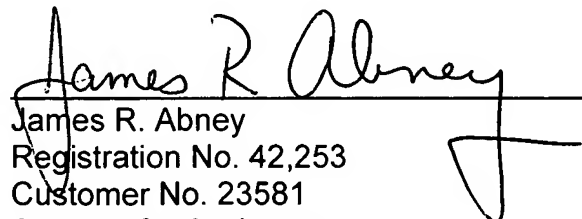
Respectfully submitted,

KOLISCH HARTWELL, P.C.

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop ISSUE FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on April 17, 2009.

  
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